

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-96-0555 WBS PAN P

vs.

RICHARD N. MATTAROLO,

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

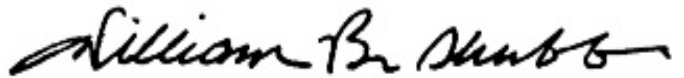
On March 24, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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- 1 1. The findings and recommendations filed March 24, 2006, are adopted in full;
- 2 2. Respondent's November 12, 2004 motion to dismiss is granted;
- 3 3. Movant's August 20, 2004 motion to vacate, set aside, or correct his sentence
- 4 pursuant to 28 U.S.C. § 2255 is dismissed; and
- 5 4. The Clerk of the Court is directed to close the companion civil case, No. CIV
- 6 S-04-1745 WBS PAN P.

7 DATED: April 20, 2006

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9 WILLIAM B. SHUBB
10 UNITED STATES DISTRICT JUDGE

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